

PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

23 SEPT 2004

To:

Zacco Norway AS  
P.O. Box 765, Sentrum  
N-0106 OSLO  
Norge

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL PRELIMINARY  
EXAMINING AUTHORITY

(PCT Rule 66)

Date of mailing  
(day/month/year)

21-09-2004

Applicant's or agent's file reference

E30271 JFL/JOB

REPLY DUE

within 15 days from  
the above date of mailing

International application No.

PCT/NO 2003/000234

International filing date (day/month/year)

04-07-2003

Priority date (day/month/year)

05-07-2002

International Patent Classification (IPC) or both national classification and IPC

G07F 7/06, G07C 15/00

Applicant

Tomra Systems ASA et al

1. ☐ The written opinion established by the International Searching Authority:  
☐ is ☐ is not  
considered to be a written opinion of the International Preliminary Examining Authority.
2. This first (first, etc.) opinion contains indications relating to the following items:
  - ☒ Box No. I Basis of the opinion
  - ☐ Box No. II Priority
  - ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - ☐ Box No. IV Lack of unity of invention
  - ☒ Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - ☐ Box No. VI Certain documents cited
  - ☐ Box No. VII Certain defects in the international application
  - ☒ Box No. VIII Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.

**When?** See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(e).

**How?** By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

**Also** For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis. For an informal communication with the examiner, see Rule 66.6. For an additional opportunity to submit amendments, see Rule 66.4.

**If no reply is filed**, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary report on patentability (Chapter II of the PCT) must be established according to Rule 69.2 is: 05-11-2004

Name and mailing address of the IPEA/SE

Patent- och registreringsverket  
Box 5055  
S-102 42 STOCKHOLM

Facsimile No. 46 8 667 72 88

Authorized officer

Patrik Rydman /LR

Telephone No. 46 8 782 25 00

**WRITING OPINION OF THE  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY**

International application No.  
**PCT/NO2003/000234**

**Box No. I      Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This opinion is based on a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this opinion has been established on the basis of (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."*):

- ☒ the international application as originally filed/furnished
- ☐ the description:
- pages \_\_\_\_\_ as originally filed/furnished
- pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ the claims:
- pages \_\_\_\_\_ as originally filed/furnished
- pages \_\_\_\_\_ as amended (together with any statement) under Article 19
- pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ the drawings:
- pages \_\_\_\_\_ as originally filed/furnished
- pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

4. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

WRITING OPINION OF THE  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

International application No.  
PCT/NO2003/000234

Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims

Claims

Inventive step (IS)

Claims

Claims

1-3, 11, 12, 14, 21-25

Industrial applicability (IA)

Claims

Claims

2. Citations and explanations:

Reply to the applicant's letter of 06 May 2004, received on 17 May 2004.

The present application does not meet the requirements of Article 33(3) PCT, because the subject-matter of new claims 1-3, 11, 12, 14, 21-25 does not involve an inventive step.

The problem to be solved by the claimed invention is to provide a method and a system contributing to an increase in the return of empty packaging and to an increase in the desire to return empty packaging.

The following documents (D) are referred to in this communication; the numbering will be adhered to in the rest of the procedure:

D1: WO, 97/46985, A1

D2: US, 6267670, B1

D3: US, 5085308, A

Document D1 (page 3, line 25- page 5, line 31) discloses a reverse vending machine allowing a user to decide that the compensation paid is to be devoted to charity. The machine comprises report producing means either constituting a part of the machine itself or in combination with an external computer located at the site of the reversed vending machine or remotely in a report centre for the charity organization in question. The reverse vending machine communicates with the external computer through a communication link.

.../...

**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.

Continuation of: BOX V

Document D2 (abstract, figures 1, 2, 5, 8-11, column 10, lines 46-64) discloses a system and method for performing integrated lottery and merchandise transaction: a customer at a POS (point of sales) may choose to purchase a lottery ticket in exchange for the change amount. The method includes the steps of calculating a change amount of a merchandise transaction; receiving a request to purchase a lottery ticket in exchange for the change amount; transmitting a request for a lottery ticket, the request including the change amount; receiving lottery ticket information that is based on the change amount; and printing the lottery ticket information on a receipt if the request to purchase a lottery ticket in exchange for the change amount is received, the lottery ticket information including a plurality of lottery numbers. It is implicit in the application that if there is no connection to the lottery data processing system, which corresponds to the external database server according to the application, the customer is handed the change in cash. I.e. the customer is allowed to choose between buying lottery tickets with the change amount or receiving the change amount. The customer may also select lottery number, this information is sent to the lottery data processing system by the POS controller.

Document D3 (column 4, lines 59-68) discloses a reverse vending machine allowing a user to play a game and winning a prize when returning articles.

The subject-matter of claims 1-3, 11, 12 and 14 differs from the method of document D2 in that a reverse vending machine is used as the point-of-trade (POS in D2).

The difference between what is disclosed in D2 and the subject matter of the claimed invention according to claims 1-3, 11, 12 and 14 is not technical but administrative (Rule 39 PCT).

The additional feature of claims 1-3, 11, 12 and 14 solve the problem that people to a large enough extent do not return empty packaging. This is clearly an administrative problem and the search examiner could not establish any technical solution in the application which might potentially have required an inventive step to overcome.

.../...

**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.

Continuation of: BOX V

In addition to what is stated in the previous two paragraphs it is well known through document D1 to allow a user of a reverse vending machine to decide what to do with the redemption amount: receive cash or spend the money in some other way.

The claimed invention according to claims 1, 2 and 11 further differs from the method disclosed in D2 in that a confirmation is sent to the external database server that tickets have been issued.

The feature of confirming an issued lottery ticket is merely a slight constructional change which comes within the scope of the customary practice followed by persons skilled in the art, especially as the advantages thus achieved can readily be foreseen.

The subject matter of claims 1-3, 11, 12 and 14 is thus not inventive.

The subject matter of claims 21-25 differs from what is disclosed in document D1 in that the return money is used for participating in a lottery instead of giving it to charity. Again, this is an administrative feature with the known objective to increase the will of people to return empty packaging. The search examiner could not establish any technical solution in the application which might potentially have required an inventive step to overcome.

Remark: the claims as a whole are technical, but not the contribution over the prior art.